

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

December 20, 2016

The Honorable Robert M. Califf, M.D.
Commissioner
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Dear Commissioner Califf:

As you know, I have a longstanding commitment to cosmetics safety. In September 2016 I released a bipartisan proposal to strengthen the Food and Drug Administration's (FDA) authority to regulate cosmetic products. I am hard at work refining this proposal and hope to introduce legislation next year that will modernize cosmetic safety laws and help ensure that the cosmetics products Americans use each day are safe.

Among other things, this legislation would give FDA the authority to require any manufacturer, processor, packer, or holder of a cosmetic product to register with the Agency. The legislation also would give FDA the authority to collect data and information on cosmetic ingredients and require FDA to review such ingredients to determine if they are safe for use in cosmetics. Additionally, the legislation would help ensure that all cosmetic manufacturers comply with good manufacturing practices established by FDA.

To inform this legislative effort, I am requesting additional information about cosmetic imports. As you know, cosmetics are imported from many countries but most are not inspected or sampled upon entry into the U.S. Although cosmetic products produced abroad are required to meet the same regulatory requirements as cosmetics produced domestically, FDA does not determine the extent to which companies are substantiating the safety of these imported products. I understand that cosmetic imports are on the rise in the United States and that there have been a number of adverse events associated with imported cosmetics. For example, in recent years FDA warned consumers of the dangers of mercury in imported skin-lightening and anti-aging products. Exposure to mercury can have serious adverse health consequences. Skin creams containing mercury are usually manufactured overseas and sold illegally in the United States, often in stores that market to Latino, Asian, African, or Middle Eastern communities. Given this, I am concerned about the short and long-term risks that imported cosmetics may pose to consumers and their families.

I want to better understand the cosmetics import industry to ensure the legislation I will introduce sets out a modern cosmetics regulatory framework that gives FDA the tools, information, and resources necessary to protect Americans from all potentially dangerous cosmetics products. As such, I request that you provide answers to the Committee staff regarding the following:

1. The number and kinds of personal care products imported each year;
2. The number of imported products subject to inspections each year; and,
3. The number of contaminated products intercepted each year.

In addition, please provide Committee staff with any other materials or information that might inform the development of cosmetics legislation.

I would appreciate your response to this inquiry as soon as possible, but no later than December 30, 2016. If you have any questions regarding this request, please contact Megan Velez of the Democratic staff at 202-225-3641.

Sincerely,

A handwritten signature in blue ink that reads "Frank Pallone, Jr." with a stylized flourish at the end.

Frank Pallone, Jr.
Ranking Member